

12 receiving operational parameters from the over-the-air function, wherein the operational
13 parameters are based upon the band and mode capabilities of said mobile telephone contained in the
14 protocol capability response message, wherein the operational parameters include a preferred
15 roaming list and a number assignment module indicator block; and
16 subsequently operating said mobile telephone according to the operational parameters
17 received from the over-the-air function.

1 26. (Amended) The method according to Claim 24, wherein the [operational parameters
2 include a] preferred roaming list and [a] the number assignment module indicator block are
3 communicated to [that were selected by the over-the-air function based upon the band and mode
4 capabilities of] said mobile telephone in separate messages.

REMARKS

Claims 1-30 were previously pending. Claims 1, 2, 4-10, 12-20, 22-25, and 27-30 stand rejected under 35 U.S.C. §103 as being unpatentable over one or more of Shirai (U.S. Patent No. 6,104,924), Lupien (U.S. Patent No. 6,006,091), and Cropper (U.S. Patent No. 5,819,178).

Dependent claims 3, 11, 21, and 26 were objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claim. With regard to these claims, the Examiner stated that "the prior art of record disclosed numerous examples of over-the-air programming and service provisioning but failed to disclose or fairly suggest the specific combination and structure as set forth in claims 3, 11, 21, and 26, specifically the operational

parameters include a preferred roaming list and a number assignment indicator block that were selected by over the air function based upon the band and mode capabilities of said mobile telephone.”

Commensurate with the Examiner’s rejections, the limitations of claims 3, 11, 21, and 26 have been introduced into now amended independent claims 1, 9, 17, and 24, respectively. Thus, amended claims 1, 9, 17, and 24 are claims that are in independent form and that include all limitations of prior claims 3, 11, 21, and 26. For the reasons cited by the Examiner, amended claims 1, 9, 17, and 24 are now allowable. Further, because all other pending claims are dependent from one of claims 1, 9, 17, or 24, all pending claims are now allowable.

The Applicant’s note that a single limitation was removed from each of claims 1 and 9, such limitation relating to operating the programmed mobile telephone according to its programmed operational parameters. Because the claims are directed to a system and a method for “programming a mobile telephone,” the removed limitations were superfluous and had no bearing on the patentability of such claims. Such conclusion is in agreement with the Examiner’s stated reasons for patentability.

For the reasons cited above, claims 1-30 are now allowable. Thus, a notice of allowance is courteously solicited. Please direct any questions or comments to the undersigned attorney.

Respectfully submitted,

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